

**UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN**

YAACOV APELBAUM, a New York resident,  
and XRVISION, LTD., a New York corporation,

Plaintiffs,

Case No. 2:23-cv-11718

v.

Hon. Stephen J. Murphy, III  
Hon. Anthony P. Patti

STEFANIE LAMBERT, a Michigan resident, and  
THE LAW OFFICE OF STEFANIE L. LAMBERT,  
PLLC, a Michigan professional limited liability company  
and BILL BACHENBERG, a Pennsylvania resident,

Defendants.

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**PLAINTIFFS' MOTION FOR DEFAULT  
JUDGMENT PURSUANT TO RULE 55(a)**

Plaintiffs, by their attorneys, pursuant to the Court's Order of February 26, 2024 (ECF 14) respectfully move the Court for Default Judgment against Defendants Stefanie Lambert and The Law Office of Stefanie L. Lambert, PLLC ("Lambert Defendants"), by stating as follows:

1. On February 26, 2024, the Court entered a show cause Order instructing the Plaintiffs to respond by March 1, 2024. (ECF 14). In its Order, the Court required Plaintiffs to prosecute its case as to the Lambert Defendants. *Id.*
2. Specifically, the Court instructed Plaintiffs to request that the Clerk enter the Lambert Defendants into default, and then to move for default judgment. *Id.*

3. The Court noted that this case has been pending since **July of 2023**, and that the Lambert Defendants had evaded service for months (*see* ECF 6), promised to file an Answer by February 23, 2024 (*see id*), and yet still had yet to file their Answer. (ECF 14).

4. Pursuant to the Court's instruction and with the Lambert Defendants multiple failures in mind, Plaintiffs asked the Clerk to enter the default of the Lambert Defendants. (ECF 15).

5. On February 27, 2024, the Clerk entered the default of the Lambert Defendants. (ECF 16).

5. Plaintiffs move the Court for Default Judgment against the Lambert Defendants, but requests that the Court stay the determination of the amount of such judgment until trial in this suit.

5. There is tremendous overlap between the conduct of Defendant Bill Bachenberg and the Lambert Defendants. (ECF 1, *passim*). Being perhaps jointly and severally liable with Defendant Bachenberg, Plaintiffs cannot seek a *sum certain* against the Lambert Defendants without risking inconsistent outcomes across all defendants.

6. Plaintiffs believe that the better (and necessary path) would be to stay the entry of judgment until trial, where precise evidence of damages can be assessed against all defendants.

WHEREFORE, pursuant to the Court's Order of February 26, 2024 (ECF 14), in which Plaintiffs were instructed to move for default judgment, Plaintiffs move the Court for Default Judgment of the Lambert Defendants but ask that a determination on the amount of the judgment be stayed until trial to prevent inconsistent outcomes given the overlapping conduct of all defendants.

**BRIEF IN SUPPORT OF PLAINTIFFS'  
MOTION FOR DEFAULT JUDGMENT**

NOW COME PLAINTIFFS, by and through their attorneys, and for their Brief in Support of their Motion for Default Judgment, rely on their Motion.

Dated: March 1, 2024

Respectfully submitted,

BURNS LAW FIRM

/s/ John C. Burns

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on March 1, 2024, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Court using the Court's CM/ECF system, which will send notification to all counsel of record.

/s/ John C. Burns